

ATTORNEY DOCKET NO.:
068351.0142

PATENT APPLICATION
10,625,998

1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark B. Lyles

Serial No.: 10/625,998

Filing Date: July 24, 2003

Group Art Unit: 1623

Examiner: Lewis, Patrick T.

Title: **NUCLEIC ACID ANTIOXIDANT
COMPOSITIONS, METHODS FOR OBTAINING
SUCH COMPOSITIONS AND FORMULATIONS
THEREOF**

MAIL STOP - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV352440655US Mail Stop - AF, Commissioner of Patents, Office, P.O. Box 1450, Alexandria, VA 22313-1450, on February 28, 2006.

Michael Wasaff

RESPONSE TO NOTICE OF PANEL DECISION
FROM PRE-APPEAL BRIEF REVIEW

In response to the Notice of Panel Decision from Pre-Appeal Review (copy attached), Applicant submits herewith a revised Pre-Appeal Brief Request for Review within the 5 page limit. Copies of the documents filed on January 30, 2006 are enclosed for the convenience of the Examiner: Pre-Appeal Brief Request for Review, Notice of Appeal, check for the Notice of Appeal fee in the amount of \$250.00 which were filed with the Notice of Appeal, and returned stamped postcard evidencing receipt of these documents.

CONCLUSION

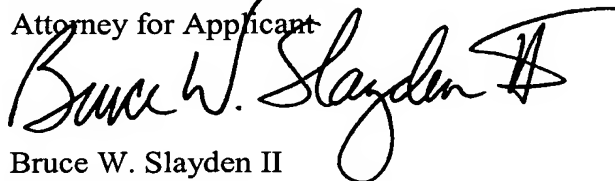
Applicant has now made an earnest effort to place this case in condition for examination. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Since Applicant previously paid for the Notice of Appeal, Applicant believes no additional fees are due, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2606.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicant



Bruce W. Slayden II
Reg. No. 33,790

Date: February 27 2006

SEND CORRESPONDENCE TO:

At Customer No. **31625**

512.322.2606
512.322.8383 (fax)



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,998	07/24/2003	Mark B. Lyles	068351.0142	9896

31625 7590 02/07/2006

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER

LEWIS, PATRICK T

ART UNIT

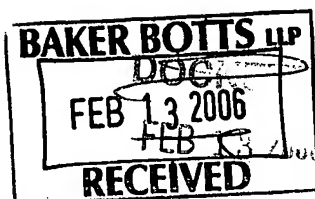
PAPER NUMBER


1623

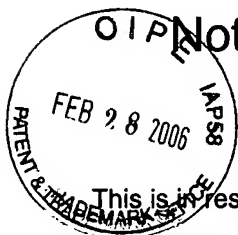
DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed 2-23-06 Attorney MML
Docket No. 068351.0142
Due Date: 3-3-06
Action: Resp. to Notice of Panel Decision
Resubmit Pre-Appeal Brief Request



Application Number 	Application/Control No. 10/625,998 Brenda Gray	Applicant(s)/Patent under Reexamination LYLES, MARK B. Art Unit 1694
Document Code - AP.PRE.DEF		



Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 01-30-06.

1. ☒ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):
- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
 - ☐ The request does not include reasons why a review is appropriate.
 - ☐ A proposed amendment is included with the Pre-Appeal Brief request.
 - ☒ Other: The reason for request is a 5 page limit. You have submitted a total of 8 pages. The reason for request consist of 6 pages .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☐ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

- ☐ The panel has determined the status of the claim(s) is as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Brenda Gray.

(3)_____.

(2) _____.

(4)_____.

BAKER BOTTS L.L.P.ATTORNEYS AT LAW
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Austin, Texas 78701-4039INQUIRIES: (512) 322-2500
TAXPAYER I.D. #74-1195457

Invoice No.	Date	Voucher	Gross Amount	Discount	Net Amount
15018444	01/30/2006	068351.0142 - E MORGAN 1245187	250.00	0.00	250.00

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Vendor Name	COMMISSIONER OF PATENTS AND			Total Amount	250.00



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TRADEMARKS

10/625,998

⑈ 110852 ⑈ ⑆ 11000614⑆ ⑈ 09910934197 ⑈



The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

<input type="checkbox"/> Application - Spec., Claims, Abstract (___ Page(s))		<input type="checkbox"/> Verified Statement (___ Page(s))
<input type="checkbox"/> CIP	<input type="checkbox"/> Conv. Prov.	<input type="checkbox"/> Div.
<input type="checkbox"/> Cont.	<input type="checkbox"/> Provisional	<input type="checkbox"/> ___ Mo. Extension of Time (___ Page(s))
<input type="checkbox"/> Informal/Formal Drawing(s) (___ Page(s))		<input checked="" type="checkbox"/> Notice of Appeal (___ Page(s))
Declaration(s)/Power(s) of Attorney (___ Page(s))		<input checked="" type="checkbox"/> Pre-Appeal Brief Request for Review (___ Page(s))
<input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted		<input checked="" type="checkbox"/> Check No. <u>118852</u> Amt.: <u>\$250.00</u>
<input type="checkbox"/> Assignment w/ Cover Sheet (___ Page(s))		<input checked="" type="checkbox"/> Other: Pre-Appeal Request for Review Transmittal Form (___ Page(s))
Inventor(s): Mark B. Lyles		Serial No.: 10/625,998
Title: Nucleic Acid Antioxidant Compositions, Methods for Obtaining Such Compositions and Formulations Thereof		Receipt Date & Serial
Client/Applicant: Materials Evolution		BB File No.: 068351.0142
Mailed: 01/30/06		Certificate of Mailing
Due: 02/01/06		<input checked="" type="checkbox"/> Express Mail Rcpt. No.: EV352441151US
Atty/Secy: BWS/lms/jem		<input type="checkbox"/> First Class Mail
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